IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 25681 OF 2005

Dated : March 31, 2006

Between:

M.Murali Naik

Petitioner

AND

The A.P. State Road Transport Corporation,
Rep. by its Managing Director,
Musheerabad, Hyderabad and another

Respondents

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 25681 OF 2005

ORAL ORDER:

Seeking to declare the proceeding No.E2/E6/684(1)/99-RM 'C' dated 22.10.1002 passed by the second respondent deleting the name of the petitioner from the select list of drivers, as illegal, unjust and in violation of Article 14, 16 and 21 of the Constitution of India, the petitioner preferred this writ petition.

The petitioner joined the respondent Corporation as Driver in the year 1999 in the backlog Scheduled Tribe vacancies and was working as such. On 14.10.2001, the petitioner is said to have fell sick with typhoid and was advised bed rest. While so, the second respondent, without considering this fact, deleted his name from the select list of Drivers on the ground that the petitioner did not attend to duty during the strike period from 15.10.2001 to 7.11.2001.

It is contended on behalf of the petitioner that the impugned proceeding was issued without issuing notice to the petitioner and without following the principles of natural justice. It is further contended that on the same set of facts, one of the drivers approached this court and file WP No. 22662 of 2004 and this court has allowed the writ petition setting aside the proceedings deleting the name of the petitioner therein from the select list of Drivers. He, therefore, contends that since the petitioner is similarly situated and his name was also deleted from the select list of Drivers without giving any notice muchless conducting inquiry, the writ petition be allowed.

The issue of the deletion of names of the drivers from the select list was previously considered by this court in several writ petitions and allowed the same. Aggrieved of one of such orders passed in W.P. No. 4837 of 2003 by this court, the respondent Corporation preferred Writ

Appeal No. 1259 of 2003, but this court by order 29.8.2003 dismissed the appeal confirming the view taken by the learned Single Judge. Therefore, this aspect is no more *res integra*, in view of the decision of the Division Bench in the above Writ Appeal. Consequently, this writ petition has to be allowed and is accordingly allowed setting aside the impugned proceedings, deleting the name of the petitioner from the select list of the Drivers. No order as to costs.

N.V.RAMANA, J.

March 31, 2006
MAS.